

AMENDED IN ASSEMBLY JULY 1, 2009

AMENDED IN ASSEMBLY JUNE 16, 2009

SENATE BILL

No. 120

Introduced by Senator Lowenthal
(Principal coauthor: Assembly Member Torrico)

February 2, 2009

An act to add Section 1942.2 to the Civil Code, and to amend Sections ~~777.1, 10009.1, 12822.1, and 16481.1 of, and to repeal Sections 777, 10009, 12822, and 16481 of, 777, 777.1, 10009, 10009.1, 12822, 12822.1, 16481, and 16481.1~~ of the Public Utilities Code, relating to residential tenancies.

LEGISLATIVE COUNSEL'S DIGEST

SB 120, as amended, Lowenthal. Residential ~~tenancies~~: *utility service*.

(1) Existing law governs the obligations of tenants and landlords under a lease or tenancy.

This bill would authorize a tenant or occupant who has made a payment to a public utility *or publicly owned utility* to deduct the amount of the payment from the rent when due, as specified.

(2) The California Constitution establishes the Public Utilities Commission ~~to fix rates and establish rules governing utilities. The California Constitution also provides that private corporations and persons who operate specified utilities are subject to control by the Legislature. Existing statutory law regulates public utilities. Among other things, a public utility must (PUC), with jurisdiction over all public utilities, including electrical, gas, heat, and water corporations, as defined. Existing law authorizes the PUC to fix the rates and charges for every public utility, and requires that those rates and charges be~~

just and reasonable. The existing Public Utilities Act requires every public utility to furnish and maintain adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities as are necessary to promote public health and safety, as specified the safety, health, comfort, and convenience of its patrons, employees, and the public. Existing law provides for the furnishing of utility services, including the furnishing of electricity, gas, heat, and water, by publicly owned utilities, including municipal corporations, municipal utility districts, and public utility districts. Publicly owned utilities are not subject to the jurisdiction and control of the PUC. A municipal corporation is subject to control by its governing bodies, while a municipal utility district and a public utility district is subject to control by its board of directors.

Existing law provides that ~~whenever~~ if an electrical, gas, heat, or water corporation furnishes individually metered residential service to residential occupants in a multiunit residential structure, mobilehome park, or permanent residential structures in a labor camp, as defined, ~~if~~ and the owner, manager, or operator is listed by the corporation as the customer of record, the corporation is required to make every good faith effort to inform the residential occupants, by means of a specified notice, when the account is in arrears, that service will be terminated at least 10 days prior to termination. Existing law also provides for ~~a procedure~~ procedures by which those residential occupants may become customers of the corporation, *one option being that if one or more of the residential occupants are willing and able to assume responsibility for the entire account to the satisfaction of the corporation, the electrical, gas, heat, or water corporation is required to make service available to the residential occupants.* Similar provisions exist for ~~a public utility or a district~~ publicly owned utility that furnishes individually metered residential light, heat, water, or power to residential occupants in a multiunit residential structure, mobilehome park, or permanent residential structures in a labor camp if the owner, manager, or operator is listed by the public utility or district as the customer of record.

This bill would ~~delete those provisions~~ provide that if an electrical, gas, heat, or water corporation furnishes individually metered residential service to residential occupants in a single-family dwelling, multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp, and the owner, manager, or operator is the customer of record, the corporation is required to make every good faith effort to inform the residential occupants, by means

of a specified written notice, when the account is in arrears, that service will be terminated at least 10 days prior to termination. The bill would require that the notice be in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean. The bill would revise the above-described option by which residential occupants may become customers of the corporation, to provide that if one or more of the residential occupants are willing and able to assume responsibility for the subsequent charges to the account to the satisfaction of the corporation, the electrical, gas, heat, or water corporation is required to make service available to the residential occupants. The bill would enact similar provisions for a publicly owned utility that furnishes individually metered residential light, heat, water, or power to a single-family residence or to residential occupants in a multiunit residential structure, mobilehome park, or permanent residential structure in a labor camp.

(3) Existing law provides that ~~whenever~~ if an electrical, gas, heat, or water corporation furnishes residential service to residential occupants through a master meter in a multiunit residential structure, mobilehome park, or permanent residential ~~structures~~ structure in a labor camp, as defined, ~~if and~~ the owner, manager, or operator is listed by the corporation as the customer of record, the corporation is required to make every good faith effort to inform the residential occupants, by means of a written notice posted on the door of each residential unit at least 15 days prior to termination, when the account is in arrears, that service will be terminated on a date specified in the notice. ~~Certain violations of this provision are misdemeanors. Existing law requires that the notice be in English and, to the extent practical, in any other language that the corporation determines is the primary language spoken by a significant number of the residential occupants.~~ Similar provisions exist for a ~~public utility or district~~ publicly owned utility that furnishes light, heat, water, or power to residential occupants through a master meter in a multiunit residential structure, mobilehome park, or permanent residential ~~structures~~ structure in a labor camp, as defined, if the owner, manager, or operator is listed by the public utility or district as the customer of record.

~~This bill would instead require that whenever an electrical, gas, heat, or water corporation furnishes residential service to residential occupants in a residential structure, mobilehome park, or permanent residential structures in a labor camp, as defined, if the owner, manager, or operator is listed by the corporation as the customer of record, the corporation would be required to post a notice on the door of each residential unit~~

and mail a copy of the notice to all affected service addresses known to the utility or available through reasonable and practical methods, as specified, at least 10 days prior to termination, when the account is in arrears, that service will be terminated on a date specified in the notice. Because certain violations of this provision would be misdemeanors, the bill would create new crimes, thereby imposing a state-mandated local program *require that the notice be in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.*

The bill would similarly provide that whenever a public utility or district furnishes light, heat, water, or power, as specified, to residential occupants in a residential structure, mobilehome park, or permanent residential structures in a labor camp, as defined, if the owner, manager, or operator is listed by the public utility or district as the customer of record, the public utility or district is required to post a notice on the door of each residential unit and mail a copy of the notice in the same manner, as specified.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) *Existing law makes any public utility that violates the Public Utilities Act guilty of a crime.*

Because certain of the provisions of this bill would be a part of the act, the bill would impose a state-mandated local program by expanding the definition of an existing crime.

(5) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1942.2 is added to the Civil Code, to
2 read:

1942.2. A tenant who has made a payment to a utility pursuant to Section ~~777.1, 10009.1, 12822.1,~~ 777, 777.1, 10009, 10009.1, 12822, 12822.1, 16481, or 16481.1 of the Public Utilities Code may deduct the payment from the rent as provided in that section.

SEC. 2. Section 777 of the Public Utilities Code is amended to read:

777. (a) ~~Whenever~~ If an electrical, gas, heat, or water corporation furnishes individually metered residential service to residential occupants ~~in of a single-family dwelling,~~ a multiunit residential structure, mobilehome park, or permanent residential structures structure in a labor camp, as defined in Section 17008 of the Health and Safety Code, ~~where and~~ the owner, manager, or operator of the dwelling, structure, or park is ~~listed by the corporation as~~ the customer of record, the corporation shall make every good faith effort to inform the residential occupants, by means of a written notice, when the account is in arrears, that service will be terminated at least 10 days prior to termination. The written notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account. *The notice shall be in English and in the languages listed in Section 1632 of the Civil Code.*

(b) The corporation is not required to make service available to the residential occupants unless each residential occupant agrees to the terms and conditions of service and meets the requirements of law and the corporation's rules and tariffs. However, if one or more of the residential occupants are willing and able to assume responsibility for the ~~entire~~ subsequent charges to the account to the satisfaction of the corporation, or if there is a physical means, legally available to the corporation, of selectively terminating service to those residential occupants who have not met the requirements of the corporation's rules and tariffs, the corporation shall make service available to those residential occupants who have met those requirements.

(c) ~~Where~~ If prior service for a period of time is a condition for establishing credit with the corporation, residence and proof of prompt payment of rent or other credit obligation acceptable to the corporation for that period of time is a satisfactory equivalent.

(d) Any residential occupant who becomes a customer of the corporation pursuant to this section whose periodic payments, such as rental payments, include charges for residential electrical, gas, heat, or water service, where those charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the corporation for those services during the preceding payment period.

SEC. 3. Section 777.1 of the Public Utilities Code is amended to read:

777.1. (a) ~~Whenever~~*If* an electrical, gas, heat, or water corporation furnishes residential service to residential occupants through a master meter in a multiunit residential structure, mobilehome park, or permanent residential ~~structures~~ *structure* in a labor camp, as defined in Section 17008 of the Health and Safety Code, ~~where~~ *and* the owner, manager, or operator ~~of the structure or park~~ is listed by the corporation as the customer of record, the corporation shall make every good faith effort to inform the residential occupants, by means of a written notice posted on the door of each residential unit at least 15 days prior to termination, when the account is in arrears, that service will be terminated on a date specified in the notice. If it is not reasonable or practicable to post the notice on the door of each residential unit, the corporation shall post two copies of the notice in each accessible common area and at each point of access to the structure or structures. The notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, without being required to pay any amount which may be due on the delinquent account. The notice also shall specify, in plain language, what the residential occupants are required to do in order to prevent the termination or reestablish service; the estimated monthly cost of service; the title, address, and telephone number of a representative of the corporation who can assist the residential occupants in continuing service; and the address and telephone number of a legal services project, as defined in Section 6213 of the Business and Professions Code, which has been recommended by the local county bar association. The notice shall be in English and, ~~to the extent practical, in any other language that the corporation determines is the primary language spoken by a significant number of the residential occupants~~ *the languages listed in Section 1632 of the Civil Code.*

1 (b) The corporation is not required to make service available to
2 the residential occupants unless each residential occupant or a
3 representative of the residential occupants agrees to the terms and
4 conditions of service and meets the requirements of law and the
5 corporation's rules and tariffs. However, if one or more of the
6 residential occupants or the representative of the residential
7 occupants are willing and able to assume responsibility for
8 subsequent charges to the account to the satisfaction of the
9 corporation, or if there is a physical means, legally available to
10 the corporation, of selectively terminating service to those
11 residential occupants who have not met the requirements of the
12 corporation's rules and tariffs or for whom the representative of
13 the residential occupants is not responsible, the corporation shall
14 make service available to those residential occupants who have
15 met those requirements or on whose behalf those requirements
16 have been met.

17 (c) ~~Where~~*If* prior service for a period of time or other
18 demonstration of credit worthiness is a condition for establishing
19 credit with the corporation, residence and proof of prompt payment
20 of rent or other credit obligation during that period of time
21 acceptable to the corporation is a satisfactory equivalent.

22 (d) Any residential occupant who becomes a customer of the
23 corporation pursuant to this section whose periodic payments, such
24 as rental payments, include charges for residential electrical, gas,
25 heat, or water service, where those charges are not separately
26 stated, may deduct from the periodic payment each payment period
27 all reasonable charges paid to the corporation for those services
28 during the preceding payment period.

29 (e) ~~Whenever~~*If* a corporation furnishes residential service
30 subject to subdivision (a), the corporation ~~may~~ *shall* not terminate
31 that service in any of the following situations:

32 (1) During the pendency of an investigation by the corporation
33 of a customer dispute or complaint.

34 (2) ~~When~~*If* the customer has been granted an extension of the
35 period for payment of a bill.

36 (3) For an indebtedness owed by the customer to any other
37 person or corporation or ~~when~~ *if* the obligation represented by the
38 delinquent account or other indebtedness was incurred with a
39 person or corporation other than the electrical, gas, heat, or water
40 corporation demanding payment therefor.

1 (4) ~~When~~*If* a delinquent account relates to another property
2 owned, managed, or operated by the customer.

3 (5) ~~When~~*If* a public health or building officer certifies that
4 termination would result in a significant threat to the health or
5 safety of the residential occupants or the public.

6 (f) Notwithstanding any other provision of law, and in addition
7 to any other remedy provided by law, if the owner, manager, or
8 operator, by any act or omission, directs, permits, or fails to prevent
9 a termination of service while any residential unit receiving that
10 service is occupied, the residential occupant or the representative
11 of the residential occupants may commence an action for the
12 recovery of all of the following:

13 (1) Reasonable costs and expenses incurred by the residential
14 occupant or the representative of the residential occupants related
15 to restoration of service.

16 (2) Actual damages related to the termination of service.

17 (3) Reasonable attorney's fees of the residential occupants, the
18 representative of the residential occupants, or each of them,
19 incurred in the enforcement of this section, including, but not
20 limited to, enforcement of a lien.

21 (g) Notwithstanding any other provision of law, and in addition
22 to any other remedy provided by law, if the owner, manager, or
23 operator, by any act or omission, directs, permits, or fails to prevent
24 a termination of service while any residential unit receiving that
25 service is occupied, the corporation may commence an action for
26 the recovery of all of the following:

27 (1) Delinquent charges accruing prior to the expiration of the
28 notice prescribed by subdivision (a).

29 (2) Reasonable costs incurred by the corporation related to the
30 restoration of service.

31 (3) Reasonable attorney's fees of the corporation incurred in
32 the enforcement of this section or in the collection of delinquent
33 charges, including, but not limited to, enforcement of a lien.

34 If the court finds that the owner, manager, or operator has paid
35 the amount in arrears prior to termination, the court shall allow no
36 recovery of any charges, costs, damages, expenses, or fees under
37 this subdivision from the owner, manager, or operator.

38 An abstract of any money judgment entered pursuant to
39 subdivision (f) or (g) shall be recorded pursuant to Section 697.310
40 of the Code of Civil Procedure.

(h) No termination of service subject to this section may be effected without compliance with this section, and any service wrongfully terminated shall be restored without charge to the residential occupants or customer for the restoration of the service. In the event of a wrongful termination by the corporation, the corporation shall, in addition, be liable to the residential occupants or customer for actual damages resulting from the termination and for the costs of enforcement of this section, including, but not limited to, reasonable attorney's fees, if the residential occupants or the representative of the residential occupants made a good faith effort to have the service continued without interruption.

(i) The commission shall adopt rules and orders necessary to implement this section and shall liberally construe this section to accomplish its purpose of ensuring that service to residential occupants is not terminated due to nonpayment by the customer unless the corporation has made every reasonable effort to continue service to the residential occupants. The rules and orders shall include, but are not limited to, reasonable penalties for a violation of this section, guidelines for assistance to residents in the enforcement of this section, and requirements for the notice prescribed by subdivision (a), including, but not limited to, clear wording, large and boldface type, and comprehensive instructions to ensure full notice to the resident.

(j) Nothing in this section broadens or restricts any authority of a local agency that existed prior to January 1, 1989, to adopt an ordinance protecting a residential occupant from the involuntary termination of residential public utility service.

(k) This section preempts any statute or ordinance permitting punitive damages against any owner, manager, or operator on account of an involuntary termination of residential public utility service or permitting the recovery of costs associated with the formation, maintenance, and termination of a tenant's association.

(l) For purposes of this section, "representative of the residential occupants" does not include a tenants' association.

SEC. 4. Section 10009 of the Public Utilities Code is amended to read:

10009. (a) ~~Whenever~~*If* a public utility furnishes individually metered residential light, heat, water, or power to residential occupants in *a single-family dwelling*, a multiunit residential structure, mobilehome park, or a permanent residential ~~structures~~

1 *structure* in a labor camp, as defined in Section 17008 of the Health
2 and Safety Code, ~~where if~~ the owner, manager, or operator of the
3 ~~dwelling, structure, or park is listed by the public utility as the~~
4 customer of record, the public utility shall make every good faith
5 effort to inform the residential occupants, by means of a *written*
6 notice, when the account is in arrears, that service will be
7 terminated in 10 days. The *written* notice shall further inform the
8 residential occupants that they have the right to become customers
9 of the public utility without being required to pay the amount due
10 on the delinquent account. *The notice shall be in English and in*
11 *the languages listed in Section 1632 of the Civil Code.*

12 (b) The public utility is not required to make service available
13 to the residential occupants unless each residential occupant agrees
14 to the terms and conditions of service, and meets the requirements
15 of law and the public utility's rules. However, if one or more of
16 the residential occupants are willing and able to assume
17 responsibility for the ~~entire~~ *subsequent charges to the* account to
18 the satisfaction of the public utility, or if there is a physical means,
19 legally available to the public utility, of selectively terminating
20 service to those residential occupants who have not met the
21 requirements of the public utility's rules, the public utility shall
22 make service available to the residential occupants who have met
23 those requirements.

24 (c) ~~Where~~ *If* prior service for a period of time is a condition for
25 establishing credit with the public utility, residence and proof of
26 prompt payment of rent or other obligation acceptable to the public
27 utility for that period of time is a satisfactory equivalent.

28 (d) Any residential occupant who becomes a customer of the
29 public utility pursuant to this section whose periodic payments,
30 such as rental payments, include charges for residential light, heat,
31 water, or power, where these charges are not separately stated,
32 may deduct from the periodic payment each payment period all
33 reasonable charges paid to the public utility for those services
34 during the preceding payment period.

35 *SEC. 5. Section 10009.1 of the Public Utilities Code is amended*
36 *to read:*

37 10009.1. (a) ~~Whenever~~ *If* a public utility furnishes light, heat,
38 water, or power to residential occupants through a master meter
39 in a multiunit residential structure, mobilehome park, or permanent
40 residential structures in a labor camp, as defined in Section 17008

1 of the Health and Safety Code, ~~where~~ *and* the owner, manager, or
2 operator *of the structure or park* is listed by the public utility as
3 the customer of record, the public utility shall make every good
4 faith effort to inform the residential occupants, by means of a
5 written notice posted on the door of each residential unit at least
6 15 days prior to termination, when the account is in arrears, that
7 service will be terminated on a date specified in the notice. If it is
8 not reasonable or practicable to post the notice on the door of each
9 residential unit, the public utility shall post two copies of the notice
10 in each accessible common area and at each point of access to the
11 structure or structures. The notice shall further inform the
12 residential occupants that they have the right to become utility
13 customers, to whom the service will then be billed, without being
14 required to pay the amount due on the delinquent account. The
15 notice also shall specify, in plain language, what the residential
16 occupants are required to do in order to prevent the termination or
17 reestablish service; the estimated monthly cost of service; the title,
18 address, and telephone number of a representative of the public
19 utility who can assist the residential occupants in continuing
20 service; and the address and telephone number of a legal services
21 project, as defined in Section 6213 of the Business and Professions
22 Code, which has been recommended by the local county bar
23 association. The notice shall be in English and, ~~to the extent~~
24 ~~practical, in any other language that the public utility determines~~
25 ~~is the primary language spoken by a significant number of the~~
26 ~~residential occupants~~ *the languages listed in Section 1632 of the*
27 *Civil Code.*

28 (b) The public utility is not required to make service available
29 to the residential occupants unless each residential occupant or a
30 representative of the residential occupants agrees to the terms and
31 conditions of service, and meets the requirements of law and the
32 public utility's rules. However, if one or more of the residential
33 occupants or the representative of the residential occupants are
34 willing and able to assume responsibility for subsequent charges
35 to the account to the satisfaction of the public utility, or if there is
36 a physical means, legally available to the public utility, of
37 selectively terminating service to those residential occupants who
38 have not met the requirements of the public utility's rules or for
39 whom the representative of the residential occupants is not
40 responsible, the public utility shall make service available to the

1 residential occupants who have met those requirements or on whose
2 behalf those requirements have been met.

3 (c) ~~Where~~~~If~~ prior service for a period of time or other
4 demonstration of credit worthiness is a condition for establishing
5 credit with the public utility, residence and proof of prompt
6 payment of rent or other credit obligation during that period of
7 time acceptable to the public utility is a satisfactory equivalent.

8 (d) Any residential occupant who becomes a customer of the
9 public utility pursuant to this section whose periodic payments,
10 such as rental payments, include charges for residential light, heat,
11 water, or power, where these charges are not separately stated,
12 may deduct from the periodic payment each payment period all
13 reasonable charges paid to the public utility for those services
14 during the preceding payment period.

15 (e) ~~Whenever~~~~If~~ a public utility furnishes residential service
16 subject to subdivision (a), the public utility may not terminate that
17 service in any of the following situations:

18 (1) During the pendency of an investigation by the public utility
19 of a customer dispute or complaint.

20 (2) ~~When~~~~If~~ the customer has been granted an extension of the
21 period for payment of a bill.

22 (3) For an indebtedness owed by the customer to any other
23 public agency or when the obligation represented by the delinquent
24 account or other indebtedness was incurred with any public agency
25 other than the public utility.

26 (4) ~~When~~~~If~~ a delinquent account relates to another property
27 owned, managed, or operated by the customer.

28 (5) ~~When~~~~If~~ a public health or building officer certifies that
29 termination would result in a significant threat to the health or
30 safety of the residential occupants or the public.

31 (f) Notwithstanding any other provision of law, and in addition
32 to any other remedy provided by law, if the owner, manager, or
33 operator, by any act or omission, directs, permits, or fails to prevent
34 a termination of service while any residential unit is occupied, the
35 residential occupant or the representative of the residential
36 occupants may commence an action for the recovery of all of the
37 following:

38 (1) Reasonable costs and expenses incurred by the residential
39 occupant or the representative of the residential occupants related
40 to restoration of service.

1 (2) Actual damages related to the termination of service.

2 (3) Reasonable attorney's fees of the residential occupants, the
3 representative of the residential occupants, or each of them,
4 incurred in the enforcement of this section, including, but not
5 limited to, enforcement of a lien.

6 (g) Notwithstanding any other provision of law, and in addition
7 to any other remedy provided by law, if the owner, manager, or
8 operator, by any act or omission, directs, permits, or fails to prevent
9 a termination of service while any residential unit receiving that
10 service is occupied, the corporation may commence an action for
11 the recovery of all of the following:

12 (1) Delinquent charges accruing prior to the expiration of the
13 notice prescribed by subdivision (a).

14 (2) Reasonable costs incurred by the corporation related to the
15 restoration of service.

16 (3) Reasonable attorney's fees of the corporation incurred in
17 the enforcement of this section or in the collection of delinquent
18 charges, including, but not limited to, enforcement of a lien.

19 If the court finds that the owner, manager, or operator has paid
20 the amount in arrears prior to termination, the court shall allow no
21 recovery of any charges, costs, damages, expenses, or fees under
22 this subdivision from the owner, manager, or operator.

23 An abstract of any money judgment entered pursuant to
24 subdivision (f) or (g) shall be recorded pursuant to Section 697.310
25 of the Code of Civil Procedure.

26 (h) No termination of service subject to this section may be
27 effected without compliance with this section, and any service
28 wrongfully terminated shall be restored without charge to the
29 residential occupants or customer for the restoration of the service.
30 In the event of a wrongful termination by the public utility, the
31 public utility shall, in addition, be liable to the residential occupants
32 or customer for actual damages resulting from the termination and
33 for the costs of enforcement of this section, including, but not
34 limited to, reasonable attorney's fees, if the residential occupants
35 or the representative of the residential occupants make a good faith
36 effort to have the service continued without interruption.

37 (i) The public utility shall adopt rules and regulations necessary
38 to implement this section and shall liberally construe this section
39 to accomplish its purpose of ensuring that service to residential
40 occupants is not terminated due to nonpayment by the customer

1 unless the public utility has made every reasonable effort to
2 continue service to the residential occupants. The rules and
3 regulations shall include, but are not limited to, guidelines for
4 assistance to actual users in the enforcement of this section and
5 requirements for the notice prescribed by subdivision (a), including,
6 but not limited to, clear wording, large and bold face type, and
7 comprehensive instructions to ensure full notice to the actual user.

8 (j) Nothing in this section broadens or restricts any authority of
9 a local agency that existed prior to ~~to~~ January 1, 1989, to adopt an
10 ordinance protecting a residential occupant from the involuntary
11 termination of residential public utility service.

12 (k) This section preempts any statute or ordinance permitting
13 punitive damages against any owner, manager, or operator on
14 account of an involuntary termination of residential public utility
15 service or permitting the recovery of costs associated with the
16 formation, maintenance, and termination of a tenant's association.

17 (l) For purposes of this section, "representative of the residential
18 occupants" does not include a tenants' association.

19 *SEC. 6. Section 12822 of the Public Utilities Code is amended*
20 *to read:*

21 12822. (a) ~~Whenever~~ *If* a district furnishes individually metered
22 residential light, heat, water, or power to residential occupants in
23 a *single-family dwelling*, multiunit residential structure,
24 mobilehome park, or permanent residential ~~structures~~ *structure* in
25 a labor camp, as defined in Section 17008 of the Health and Safety
26 Code, ~~where and the owner, manager, or operator of the dwelling,~~
27 *structure, or park is listed by the district as the customer of record*
28 of the service, the district shall make every good faith effort to
29 inform the residential occupants, by means of ~~a written~~ *a written* notice,
30 when the account is in arrears, that service will be terminated in
31 10 days. The *written* notice shall further inform the residential
32 occupants that they have the right to become customers of the
33 district without being required to pay the amount due on the
34 delinquent account. *The notice shall be in English and in the*
35 *languages listed in Section 1632 of the Civil Code.*

36 (b) The district is not required to make service available to the
37 residential occupants unless each residential occupant agrees to
38 the terms and conditions of service, and meets the requirements
39 of the district's rules. However, if one or more of the residential
40 occupants are willing and able to assume responsibility for the

entire subsequent charges to the account to the satisfaction of the district, or if there is a physical means, legally available to the district, of selectively terminating service to those residential occupants who have not met the requirements of the district's rules, the district shall make service available to the residential occupants who have met those requirements.

(c) ~~Where~~ If prior service for a period of time is a condition for establishing credit with the district, residence and proof of prompt payment of rent or other credit obligation acceptable to the district for that period of time is a satisfactory equivalent.

(d) Any residential occupant who becomes a customer of the district pursuant to this section whose periodic payments, such as rental payments, include charges for residential light, heat, water, or power, where these charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the district for those services during the preceding payment period.

SEC. 7. Section 12822.1 of the Public Utilities Code is amended to read:

12822.1. (a) ~~Whenever~~ If a district furnishes residential light, heat, water, or power to residential occupants through a master meter in a multiunit residential ~~structure~~ structure, mobilehome park, or permanent residential structures in a labor camp, as defined in Section 17008 of the Health and Safety Code, ~~where~~ and the owner, manager, or operator of the structure or park is listed by the district as the customer of record of the service, the district shall make every good faith effort to inform the residential occupants, by means of a written notice posted on the door of each residential unit at least 15 days prior to termination, when the account is in arrears, that service will be terminated on a date specified in the notice. If it is not reasonable or practicable to post the notice on the door of each residential unit, the district shall post two copies of the notice in each accessible common area and at each point of access to the structure or structures. The notice shall further inform the residential occupants that they have the right to become customers, to whom the service will then be billed, of the district without being required to pay the amount due on the delinquent account. The notice also shall specify, in plain language, what the residential occupants are required to do in order to prevent the termination or reestablish service; the estimated monthly cost

1 of service; the title, address, and telephone number of a
2 representative of the district who can assist the residential
3 occupants in continuing service; and the address and telephone
4 number of a legal services project, as defined in Section 6213 of
5 the Business and Professions Code, which has been recommended
6 by the local county bar association. The notice shall be in English
7 and, ~~to the extent practical, in any other language that the district~~
8 ~~determines is the primary language spoken by a significant number~~
9 ~~of the residential occupants in the languages listed in Section 1632~~
10 ~~of the Civil Code.~~

11 (b) The district is not required to make service available to the
12 residential occupants unless each residential occupant or a
13 representative of the residential occupants agrees to the terms and
14 conditions of service, and meets the requirement of law and the
15 district's rules. However, if one or more of the residential occupants
16 or the representative of the residential occupants are willing and
17 able to assume responsibility for subsequent charges to the account
18 to the satisfaction of the district, or if there is a physical means,
19 legally available to the district, of selectively terminating service
20 to those residential occupants who have not met the requirements
21 of the district's rules or for whom the representative of the
22 residential occupants is not responsible, the district shall make
23 service available to the residential occupants who have met those
24 requirements or on whose behalf those requirements have been
25 met.

26 (c) ~~Where~~ ~~If~~ prior service for a period of time, or other
27 demonstration of credit worthiness is a condition for establishing
28 credit with the district, residence and proof of prompt payment of
29 rent or other credit obligation during that period of time acceptable
30 to the district is a satisfactory equivalent.

31 (d) Any residential occupant who becomes a customer of the
32 district pursuant to this section whose periodic payments, such as
33 rental payments, include charges for residential light, heat, water,
34 or power, where these charges are not separately stated, may deduct
35 from the periodic payment each payment period all reasonable
36 charges paid to the district for those services during the preceding
37 payment period.

38 (e) ~~Whenever~~ ~~If~~ a district furnishes residential service subject
39 to subdivision (a), the district may not terminate that service in
40 any of the following situations:

1 (1) During the pendency of an investigation by the district of a
2 customer dispute or complaint.

3 (2) ~~When~~ If the customer has been granted an extension of the
4 period for payment of a bill.

5 (3) For an indebtedness owed by the customer to any other
6 public agency or when the obligation represented by the delinquent
7 account or other indebtedness was incurred with any public agency
8 other than the district.

9 (4) ~~When~~ If a delinquent account relates to another property
10 owned, managed, or operated by the customer.

11 (5) ~~When~~ If a public health or building officer certifies that
12 termination would result in a significant threat to the health or
13 safety of the residential occupants or the public.

14 (f) Notwithstanding any other provision of law, and in addition
15 to any other remedy provided by law, if the owner, operator, or
16 manager, by any act or omission, directs, permits, or fails to prevent
17 a termination of service while any residential unit is occupied, the
18 residential occupant or the representative of the residential
19 occupants may commence an action for the recovery of all of the
20 following:

21 (1) Reasonable costs and expenses incurred by the residential
22 occupant or the representative of the residential occupants related
23 to restoration of service.

24 (2) Actual damages related to the termination of service.

25 (3) Reasonable attorney's fees of the residential occupants, the
26 representative of the residential occupants, or each of them,
27 incurred in the enforcement of this section, including, but not
28 limited to, enforcement of a lien.

29 (g) Notwithstanding any other provision of law, and in addition
30 to any other remedy provided by law, if the owner, manager, or
31 operator, by any act or omission, directs, permits, or fails to prevent
32 a termination of service while any residential unit receiving that
33 service is occupied, the corporation may commence an action for
34 the recovery of all of the following:

35 (1) Delinquent charges accruing prior to the expiration of the
36 notice prescribed by subdivision (a).

37 (2) Reasonable costs incurred by the corporation related to the
38 restoration of service.

1 (3) Reasonable attorney's fees of the corporation incurred in
2 the enforcement of this section or in the collection of delinquent
3 charges, including, but not limited to, enforcement of a lien.

4 If the court finds that the owner, manager, or operator has paid
5 the amount in arrears prior to termination, the court shall allow no
6 recovery of any charges, costs, damages, expenses, or fees under
7 this subdivision from the owner, manager, or operator.

8 An abstract of any money judgment entered pursuant to
9 subdivision (f) or (g) shall be recorded pursuant to Section 697.310
10 of the Code of Civil Procedure.

11 (h) No termination of service subject to this section may be
12 effected without compliance with this section, and any service
13 wrongfully terminated shall be restored without charge to the
14 residential occupants or customer for the restoration of the service.
15 In the event of a wrongful termination by the district, the district
16 shall, in addition, be liable to the residential occupants or customer
17 for actual damages resulting from the termination and for the costs
18 of enforcement of this section, including, but not limited to,
19 reasonable attorney's fees, if the residential occupants or the
20 representative of the residential occupants make a good faith effort
21 to have the service continued without interruption.

22 (i) The district shall adopt rules and regulations necessary to
23 implement this section and shall liberally construe this section to
24 accomplish its purpose of ensuring that service to the residential
25 occupants is not terminated due to nonpayment by the customer
26 unless the district has made every reasonable effort to continue
27 service to the residential occupants. The rules and regulations shall
28 include, but are not limited to, guidelines for assistance to actual
29 users in the enforcement of this section and requirements for the
30 notice prescribed by subdivision (a), including, but not limited to,
31 clear wording, large and bold face type, and comprehensive
32 instructions to ensure full notice to the actual user.

33 (j) Nothing in this section broadens or restricts any authority of
34 a local agency that existed prior to January 1, 1989, to adopt an
35 ordinance protecting a residential occupant from the involuntary
36 termination of residential public utility service.

37 (k) This section preempts any statute or ordinance permitting
38 punitive damages against any owner, manager, or operator on
39 account of an involuntary termination of residential public utility

1 service or permitting the recovery of costs associated with the
2 formation, maintenance, and termination of a tenant's association.

3 (l) For purposes of this section, "representative of the residential
4 occupants" does not include a tenants' association.

5 SEC. 8. Section 16481 of the Public Utilities Code is amended
6 to read:

7 16481. (a) ~~Whenever~~ If a district furnishes individually metered
8 residential light, heat, water, or power to residential occupants in
9 a *single-family dwelling*, multiunit residential structure,
10 mobilehome park, or permanent residential ~~structures~~ *structure* in
11 a labor camp, as defined in Section 17008 of the Health and Safety
12 Code, ~~where~~ and the owner, manager, or operator is ~~listed by the~~
13 ~~district as the customer of record~~, the district shall make every
14 good faith effort to inform the residential occupants, by means of
15 a *written* notice, when the account is in arrears, that service will
16 be terminated in 10 days. The *written* notice shall further inform
17 the residential occupants that they have the right to become
18 customers of the district without being required to pay the amount
19 due on the delinquent account. *The notice shall be in English and*
20 *in the languages listed in Section 1632 of the Civil Code.*

21 (b) The district is not required to make service available to the
22 residential occupants unless each residential occupant agrees to
23 the terms and conditions of service, and meets the requirements
24 of the district's rules. However, if one or more of the residential
25 occupants are willing and able to assume responsibility for the
26 ~~entire subsequent charges to the~~ account to the satisfaction of the
27 district, or if there is a physical means, legally available to the
28 district, of selectively terminating service to those residential
29 occupants who have not met the requirements of the district's rules,
30 the district shall make service available to the residential occupants
31 who have met those requirements.

32 (c) ~~Where~~ If prior service for a period of time is a condition for
33 establishing credit with the district, residence and proof of prompt
34 payment of rent or other credit obligation acceptable to the district
35 for that period of time is a satisfactory equivalent.

36 (d) Any residential occupant who becomes a customer of the
37 district pursuant to this section whose periodic payments, such as
38 rental payments, include charges for residential light, heat, water,
39 or power, where these charges are not separately stated, may deduct
40 from the periodic payment each payment period all reasonable

1 charges paid to the district for those services during the preceding
2 payment period.

3 *SEC. 9. Section 16481.1 of the Public Utilities Code is amended*
4 *to read:*

5 16481.1. (a) ~~Whenever~~ If a district furnishes residential light,
6 heat, water, or power to residential occupants through a master
7 meter in a multiunit residential structure, mobilehome park, or
8 permanent residential ~~structures~~ *structure* in a labor camp, as
9 defined in Section 17008 of the Health and Safety Code, ~~where~~
10 ~~and~~ the owner, manager, or operator *of the structure or park* is
11 listed by the district as the customer of record, the district shall
12 make every good faith effort to inform the residential occupants,
13 by means of a written notice posted on the door of each residential
14 unit at least 15 days prior to termination, when the account is in
15 arrears, that service will be terminated on a date specified in the
16 notice. If it is not reasonable or practicable to post the notice on
17 the door of each residential unit, the district shall post two copies
18 of the notice in each common area and at each point of access to
19 the structure or structures. The notice shall further inform the
20 residential occupants that they have the right to become customers,
21 to whom the service will be billed, of the district without being
22 required to pay the amount due on the delinquent account. The
23 notice also shall specify, in plain language, what the residential
24 occupants are required to do in order to prevent the termination or
25 reestablish service; the estimated monthly cost of service; the title,
26 address, and telephone number of a representative of the district
27 who can assist the residential occupants in continuing service; and
28 the address and telephone number of a legal services project, as
29 defined in Section 6213 of the Business and Professions Code,
30 which has been recommended by the local county bar association.
31 The notice shall be in English and, ~~to the extent practical, in any~~
32 ~~other language that the district determines is the primary language~~
33 ~~spoken by a significant number of the residential occupants in the~~
34 ~~languages listed in Section 1632 of the Civil Code.~~

35 (b) The district is not required to make service available to the
36 residential occupants unless each residential occupant or a
37 representative of the residential occupants agrees to the terms and
38 conditions of service, and meets the requirements of law and the
39 district's rules. However, if one or more of the residential occupants
40 or the representative of the residential occupants are willing and

1 able to assume responsibility for subsequent charges to the account
2 to the satisfaction of the district, or if there is a physical means,
3 legally available to the district, of selectively terminating service
4 to those residential occupants who have not met the requirements
5 of the district's rules or for whom the representative of the
6 residential occupants is not responsible, the district shall make
7 service available to the residential occupants who have met those
8 requirements or on whose behalf those requirements have been
9 met.

10 (c) ~~Where~~~~-If~~ prior service for a period of time or other
11 demonstration of credit worthiness is a condition for establishing
12 credit with the district, residence and proof of prompt payment of
13 rent or other credit obligation during that period of time acceptable
14 to the district is a satisfactory equivalent.

15 (d) Any residential occupant who becomes a customer of the
16 district pursuant to this section whose periodic payments, such as
17 rental payments, include charges for residential light, heat, water,
18 or power, where these charges are not separately stated, may deduct
19 from the periodic payment each payment period all reasonable
20 charges paid to the district for those services during the preceding
21 payment period.

22 (e) ~~Whenever~~~~-If~~ a district furnishes residential service subject
23 to subdivision (a), the district may not terminate that service in
24 any of the following situations:

25 (1) During the pendency of an investigation by the district of a
26 customer dispute or complaint.

27 (2) ~~When~~~~-If~~ the customer has been granted an extension of the
28 period for payment of a bill.

29 (3) For an indebtedness owed by the customer to any other
30 public agency or when the obligation represented by the delinquent
31 account or other indebtedness was incurred with any public agency
32 other than the district.

33 (4) ~~When~~~~-If~~ a delinquent account relates to another property
34 owned, managed, or operated by the customer.

35 (5) ~~When~~~~-If~~ a public health or building officer certifies that
36 termination would result in a significant threat to the health or
37 safety of the residential occupants or the public.

38 (f) Notwithstanding any other provision of law, and in addition
39 to any other remedy provided by law, if the owner, operator, or
40 manager, by any act or omission, directs, permits, or fails to prevent

1 a termination of service while any residential unit is occupied, the
2 residential occupant or the representative of the residential
3 occupants may commence an action for the recovery of all of the
4 following:

5 (1) Reasonable costs and expenses incurred by the residential
6 occupant or the representative of the residential occupants related
7 to restoration of service.

8 (2) Actual damages related to the termination of service.

9 (3) Reasonable attorney's fees of the residential occupants, the
10 representative of the residential occupants, or each of them,
11 incurred in the enforcement of this section, including, but not
12 limited to, enforcement of a lien.

13 (g) Notwithstanding any other provision of law, and in addition
14 to any other remedy provided by law, if the owner, manager, or
15 operator, by any act or omission, directs, permits, or fails to prevent
16 a termination of service while any residential unit receiving that
17 service is occupied, the corporation may commence an action for
18 the recovery of all of the following:

19 (1) Delinquent charges accruing prior to the expiration of the
20 notice prescribed by subdivision (a).

21 (2) Reasonable costs incurred by the corporation related to the
22 restoration of service.

23 (3) Reasonable attorney's fees of the corporation incurred in
24 the enforcement of this section or in the collection of delinquent
25 charges, including, but not limited to, enforcement of a lien.

26 If the court finds that the owner, manager, or operator has paid
27 the amount in arrears prior to termination, the court shall allow no
28 recovery of any charges, costs, damages, expenses, or fees under
29 this subdivision from the owner, manager, or operator.

30 An abstract of any money judgment entered pursuant to
31 subdivision (f) or (g) shall be recorded pursuant to Section 697.310
32 of the Code of Civil Procedure.

33 (h) No termination of service subject to this section may be
34 effected without compliance with this section, and any service
35 wrongfully terminated shall be restored without charge to the
36 residential occupants or customer for the restoration of the service.
37 In the event of a wrongful termination by the district, the district
38 shall, in addition, be liable to the residential occupants or customer
39 for actual damages resulting from the termination and for the costs
40 of enforcement of this section, including, but not limited to,

1 reasonable attorney's fees, if the residential occupants or the
2 representative of the residential occupants make a good faith effort
3 to have the service continued without interruption.

4 (i) The district shall adopt rules and regulations necessary to
5 implement this section and shall liberally construe this section to
6 accomplish its purpose of ensuring that service to the residential
7 occupants is not terminated due to nonpayment by the customer
8 unless the district has made every reasonable effort to continue
9 service to the residential occupants. The rules and regulations shall
10 include, but are not limited to, guidelines for assistance to actual
11 users in the enforcement of this section and requirements for the
12 notice prescribed by subdivision (a), including, but not limited to,
13 clear wording, large and bold face type, and comprehensive
14 instructions to ensure full notice to the actual users.

15 (j) Nothing in this section broadens or restricts any authority of
16 a local agency that existed prior to January 1, 1989, to adopt an
17 ordinance protecting a residential occupant from the involuntary
18 termination of residential public utility service.

19 (k) This section preempts any statute or ordinance permitting
20 punitive damages against any owner, manager, or operator on
21 account of an involuntary termination of public utility service or
22 permitting the recovery of costs associated with the formation,
23 maintenance, and termination of a tenant's association.

24 (l) For purposes of this section, "representative of the residential
25 occupants" does not include a tenants' association.

26 *SEC. 10. No reimbursement is required by this act pursuant*
27 *to Section 6 of Article XIII B of the California Constitution because*
28 *the only costs that may be incurred by a local agency or school*
29 *district will be incurred because this act creates a new crime or*
30 *infraction, eliminates a crime or infraction, or changes the penalty*
31 *for a crime or infraction, within the meaning of Section 17556 of*
32 *the Government Code, or changes the definition of a crime within*
33 *the meaning of Section 6 of Article XIII B of the California*
34 *Constitution.*

35 ~~SEC. 2. Section 777 of the Public Utilities Code is repealed.~~

36 ~~SEC. 3. Section 777.1 of the Public Utilities Code is amended~~
37 ~~to read:~~

38 ~~777.1. (a) Whenever an electrical, gas, heat, or water~~
39 ~~corporation furnishes residential service to residential occupants~~
40 ~~in a residential structure, mobilehome park, or permanent~~

1 residential structures in a labor camp, as defined in Section 17008
2 of the Health and Safety Code, if the owner, manager, or operator
3 is listed by the corporation as the customer of record, the
4 corporation shall do the following:

5 (1) Post a notice on the door of each residential unit at least 10
6 days prior to termination, when the account is in arrears, that
7 service will be terminated on a date specified in the notice. If it is
8 not reasonable or practicable to post the notice on the door of each
9 residential unit, the corporation shall post two copies of the notice
10 in each accessible common area and at each point of access to the
11 structure or structures. The notice shall further inform the
12 residential occupants that they have the right to become customers,
13 to whom the service will then be billed, without being required to
14 pay any amount which may be due on the delinquent account. The
15 notice also shall specify, in plain language, what the residential
16 occupants are required to do in order to prevent the termination or
17 reestablish service; the estimated monthly cost of service; the title,
18 address, and telephone number of a representative of the
19 corporation who can assist the residential occupants in continuing
20 service; and the address and telephone number of a legal services
21 project, as defined in Section 6213 of the Business and Professions
22 Code, which has been recommended by the local county bar
23 association. The notice shall be in English and in the languages
24 listed in Section 1632 of the Civil Code.

25 (2) Mail a copy of the notice described in paragraph (1) to all
26 affected service addresses known to the corporation, or available
27 through reasonable and practical methods, at least 10 days prior
28 to termination. The notice shall be addressed to "Any Person
29 Renting Property At:" followed by the address of the dwelling
30 unit. The outside of the envelope shall state, in English and in the
31 languages listed in Section 1632 of the Civil Code, in at least
32 12-point type: "Utility service to this address may be cut off soon."
33 Notice need not be mailed if the service address is the same as the
34 billing address.

35 (b) The corporation is not required to make service available to
36 the residential occupants unless a residential occupant or a
37 representative of the residential occupants agrees to the terms and
38 conditions of service and meets the requirements of law and the
39 corporation's rules and tariffs. However, if one or more of the
40 residential occupants or the representative of the residential

1 ~~occupants are willing and able to assume responsibility for~~
2 ~~subsequent charges to the account to the satisfaction of the~~
3 ~~corporation, or if there is a physical means, legally available to~~
4 ~~the corporation, of selectively terminating service to those~~
5 ~~residential occupants who have not met the requirements of the~~
6 ~~corporation's rules and tariffs or for whom the representative of~~
7 ~~the residential occupants is not responsible, the corporation shall~~
8 ~~make service available to those residential occupants who have~~
9 ~~met those requirements or on whose behalf those requirements~~
10 ~~have been met.~~

11 ~~(e) If prior service for a period of time or other demonstration~~
12 ~~of credit worthiness is a condition for establishing credit with the~~
13 ~~corporation, residence and proof of prompt payment of rent or~~
14 ~~other credit obligation during that period of time acceptable to the~~
15 ~~corporation is a satisfactory equivalent.~~

16 ~~(d) Any residential occupant who becomes a customer of the~~
17 ~~corporation pursuant to this section whose periodic payments, such~~
18 ~~as rental payments, include charges for residential electrical, gas,~~
19 ~~heat, or water service, if those charges are not separately stated,~~
20 ~~may deduct from the periodic payment each payment period all~~
21 ~~reasonable charges paid to the corporation for those services during~~
22 ~~the preceding payment period.~~

23 ~~(e) Whenever a corporation furnishes residential service subject~~
24 ~~to subdivision (a), the corporation may not terminate that service~~
25 ~~in any of the following situations:~~

26 ~~(1) During the pendency of an investigation by the corporation~~
27 ~~of a customer dispute or complaint.~~

28 ~~(2) When the customer has been granted an extension of the~~
29 ~~period for payment of a bill.~~

30 ~~(3) For an indebtedness owed by the customer to any other~~
31 ~~person or corporation or when the obligation represented by the~~
32 ~~delinquent account or other indebtedness was incurred with a~~
33 ~~person or corporation other than the electrical, gas, heat, or water~~
34 ~~corporation demanding payment therefor.~~

35 ~~(4) When a delinquent account relates to another property~~
36 ~~owned, managed, or operated by the customer.~~

37 ~~(5) When a public health or building officer certifies that~~
38 ~~termination would result in a significant threat to the health or~~
39 ~~safety of the residential occupants or the public.~~

~~(f) Notwithstanding any other provision of law, and in addition to any other remedy provided by law, if the owner, manager, or operator, by any act or omission, directs, permits, or fails to prevent a termination of service while any residential unit receiving that service is occupied, the residential occupant or the representative of the residential occupants may commence an action for the recovery of all of the following:~~

~~(1) Reasonable costs and expenses incurred by the residential occupant or the representative of the residential occupants related to restoration of service.~~

~~(2) Actual damages related to the termination of service.~~

~~(3) Reasonable attorney's fees of the residential occupants, the representative of the residential occupants, or each of them, incurred in the enforcement of this section, including, but not limited to, enforcement of a lien.~~

~~(g) Notwithstanding any other provision of law, and in addition to any other remedy provided by law, if the owner, manager, or operator, by any act or omission, directs, permits, or fails to prevent a termination of service while any residential unit receiving that service is occupied, the corporation may commence an action for the recovery of all of the following:~~

~~(1) Delinquent charges accruing prior to the expiration of the notice prescribed by subdivision (a).~~

~~(2) Reasonable costs incurred by the corporation related to the restoration of service.~~

~~(3) Reasonable attorney's fees of the corporation incurred in the enforcement of this section or in the collection of delinquent charges, including, but not limited to, enforcement of a lien.~~

~~If the court finds that the owner, manager, or operator has paid the amount in arrears prior to termination, the court shall allow no recovery of any charges, costs, damages, expenses, or fees under this subdivision from the owner, manager, or operator.~~

~~An abstract of any money judgment entered pursuant to subdivision (f) or (g) shall be recorded pursuant to Section 697.310 of the Code of Civil Procedure.~~

~~(h) No termination of service subject to this section may be effected without compliance with this section, and any service wrongfully terminated shall be restored without charge to the residential occupants or customer for the restoration of the service. In the event of a wrongful termination by the corporation, the~~

1 corporation shall, in addition, be liable to the residential occupants
2 or customer for actual damages resulting from the termination and
3 for the costs of enforcement of this section, including, but not
4 limited to, reasonable attorney's fees, if the residential occupants
5 or the representative of the residential occupants made a good faith
6 effort to have the service continued without interruption.

7 (i) ~~The commission shall adopt rules and orders necessary to~~
8 ~~implement this section and shall liberally construe this section to~~
9 ~~accomplish its purpose of ensuring that service to residential~~
10 ~~occupants is not terminated due to nonpayment by the customer~~
11 ~~unless the corporation has made every reasonable effort to continue~~
12 ~~service to the residential occupants. The rules and orders shall~~
13 ~~include, but are not limited to, reasonable penalties for a violation~~
14 ~~of this section, guidelines for assistance to residents in the~~
15 ~~enforcement of this section, and requirements for the notice~~
16 ~~prescribed by subdivision (a), including, but not limited to, clear~~
17 ~~wording, large and boldface type, and comprehensive instructions~~
18 ~~to ensure full notice to the resident.~~

19 (j) ~~Nothing in this section broadens or restricts any authority of~~
20 ~~a local agency that existed prior to January 1, 1989, to adopt an~~
21 ~~ordinance protecting a residential occupant from the involuntary~~
22 ~~termination of residential public utility service.~~

23 (k) ~~This section preempts any statute or ordinance permitting~~
24 ~~punitive damages against any owner, manager, or operator on~~
25 ~~account of an involuntary termination of residential public utility~~
26 ~~service or permitting the recovery of costs associated with the~~
27 ~~formation, maintenance, and termination of a tenant's association.~~

28 SEC. 4. ~~Section 10009 of the Public Utilities Code is repealed.~~

29 SEC. 5. ~~Section 10009.1 of the Public Utilities Code is~~
30 ~~amended to read:~~

31 ~~10009.1. (a) Whenever a public utility furnishes light, heat,~~
32 ~~water, or power to residential occupants in a residential structure,~~
33 ~~mobilehome park, or permanent residential structures in a labor~~
34 ~~camp, as defined in Section 17008 of the Health and Safety Code,~~
35 ~~if the owner, manager, or operator is listed by the public utility as~~
36 ~~the customer of record, the public utility shall do the following:~~

37 ~~(1) Post a notice on the door of each residential unit at least 10~~
38 ~~days prior to termination, when the account is in arrears, that~~
39 ~~service will be terminated on a date specified in the notice. If it is~~
40 ~~not reasonable or practicable to post the notice on the door of each~~

1 residential unit, the public utility shall post two copies of the notice
2 in each accessible common area and at each point of access to the
3 structure or structures. The notice shall further inform the
4 residential occupants that they have the right to become utility
5 customers, to whom the service will then be billed, without being
6 required to pay the amount due on the delinquent account. The
7 notice also shall specify, in plain language, what the residential
8 occupants are required to do in order to prevent the termination or
9 reestablish service; the estimated monthly cost of service; the title,
10 address, and telephone number of a representative of the public
11 utility who can assist the residential occupants in continuing
12 service; and the address and telephone number of a legal services
13 project, as defined in Section 6213 of the Business and Professions
14 Code, which has been recommended by the local county bar
15 association. The notice shall be in English and in the languages
16 listed in Section 1632 of the Civil Code.

17 (2) Mail a copy of the notice described in paragraph (1) to all
18 affected service addresses known to the corporation, or available
19 through reasonable and practical methods, at least 10 days prior
20 to termination. The notice shall be addressed to “Any Person
21 Renting Property At:” followed by the address of the dwelling
22 unit. The outside of the envelope shall state, in English and in the
23 languages listed in Section 1632 of the Civil Code, in at least
24 12-point type: “Utility service to this address may be cut off soon.”
25 Notice need not be mailed if the service address is the same as the
26 billing address.

27 (b) The public utility is not required to make service available
28 to the residential occupants unless a residential occupant or a
29 representative of the residential occupants agrees to the terms and
30 conditions of service, and meets the requirements of law and the
31 public utility’s rules. However, if one or more of the residential
32 occupants or the representative of the residential occupants are
33 willing and able to assume responsibility for subsequent charges
34 to the account to the satisfaction of the public utility, or if there is
35 a physical means, legally available to the public utility, of
36 selectively terminating service to those residential occupants who
37 have not met the requirements of the public utility’s rules or for
38 whom the representative of the residential occupants is not
39 responsible, the public utility shall make service available to the

1 residential occupants who have met those requirements or on whose
2 behalf those requirements have been met.

3 (e) ~~If prior service for a period of time or other demonstration~~
4 ~~of credit worthiness is a condition for establishing credit with the~~
5 ~~public utility, residence and proof of prompt payment of rent or~~
6 ~~other credit obligation during that period of time acceptable to the~~
7 ~~public utility is a satisfactory equivalent.~~

8 (d) ~~Any residential occupant who becomes a customer of the~~
9 ~~public utility pursuant to this section whose periodic payments,~~
10 ~~such as rental payments, include charges for residential light, heat,~~
11 ~~water, or power, if these charges are not separately stated, may~~
12 ~~deduct from the periodic payment each payment period all~~
13 ~~reasonable charges paid to the public utility for those services~~
14 ~~during the preceding payment period.~~

15 (e) ~~Whenever a public utility furnishes residential service subject~~
16 ~~to subdivision (a), the public utility may not terminate that service~~
17 ~~in any of the following situations:~~

18 (1) ~~During the pendency of an investigation by the public utility~~
19 ~~of a customer dispute or complaint.~~

20 (2) ~~When the customer has been granted an extension of the~~
21 ~~period for payment of a bill.~~

22 (3) ~~For an indebtedness owed by the customer to any other~~
23 ~~public agency or when the obligation represented by the delinquent~~
24 ~~account or other indebtedness was incurred with any public agency~~
25 ~~other than the public utility.~~

26 (4) ~~When a delinquent account relates to another property~~
27 ~~owned, managed, or operated by the customer.~~

28 (5) ~~When a public health or building officer certifies that~~
29 ~~termination would result in a significant threat to the health or~~
30 ~~safety of the residential occupants or the public.~~

31 (f) ~~Notwithstanding any other provision of law, and in addition~~
32 ~~to any other remedy provided by law, if the owner, manager, or~~
33 ~~operator, by any act or omission, directs, permits, or fails to prevent~~
34 ~~a termination of service while any residential unit is occupied, the~~
35 ~~residential occupant or the representative of the residential~~
36 ~~occupants may commence an action for the recovery of all of the~~
37 ~~following:~~

38 (1) ~~Reasonable costs and expenses incurred by the residential~~
39 ~~occupant or the representative of the residential occupants related~~
40 ~~to restoration of service.~~

1 ~~(2) Actual damages related to the termination of service.~~

2 ~~(3) Reasonable attorney's fees of the residential occupants, the~~
3 ~~representative of the residential occupants, or each of them,~~
4 ~~incurred in the enforcement of this section, including, but not~~
5 ~~limited to, enforcement of a lien.~~

6 ~~(g) Notwithstanding any other provision of law, and in addition~~
7 ~~to any other remedy provided by law, if the owner, manager, or~~
8 ~~operator, by any act or omission, directs, permits, or fails to prevent~~
9 ~~a termination of service while any residential unit receiving that~~
10 ~~service is occupied, the corporation may commence an action for~~
11 ~~the recovery of all of the following:~~

12 ~~(1) Delinquent charges accruing prior to the expiration of the~~
13 ~~notice prescribed by subdivision (a).~~

14 ~~(2) Reasonable costs incurred by the corporation related to the~~
15 ~~restoration of service.~~

16 ~~(3) Reasonable attorney's fees of the corporation incurred in~~
17 ~~the enforcement of this section or in the collection of delinquent~~
18 ~~charges, including, but not limited to, enforcement of a lien.~~

19 ~~If the court finds that the owner, manager, or operator has paid~~
20 ~~the amount in arrears prior to termination, the court shall allow no~~
21 ~~recovery of any charges, costs, damages, expenses, or fees under~~
22 ~~this subdivision from the owner, manager, or operator.~~

23 ~~An abstract of any money judgment entered pursuant to~~
24 ~~subdivision (f) or (g) shall be recorded pursuant to Section 697.310~~
25 ~~of the Code of Civil Procedure.~~

26 ~~(h) No termination of service subject to this section may be~~
27 ~~effected without compliance with this section, and any service~~
28 ~~wrongfully terminated shall be restored without charge to the~~
29 ~~residential occupants or customer for the restoration of the service.~~
30 ~~In the event of a wrongful termination by the public utility, the~~
31 ~~public utility shall, in addition, be liable to the residential occupants~~
32 ~~or customer for actual damages resulting from the termination and~~
33 ~~for the costs of enforcement of this section, including, but not~~
34 ~~limited to, reasonable attorney's fees, if the residential occupants~~
35 ~~or the representative of the residential occupants make a good faith~~
36 ~~effort to have the service continued without interruption.~~

37 ~~(i) The public utility shall adopt rules and regulations necessary~~
38 ~~to implement this section and shall liberally construe this section~~
39 ~~to accomplish its purpose of ensuring that service to residential~~
40 ~~occupants is not terminated due to nonpayment by the customer~~

1 unless the public utility has made every reasonable effort to
2 continue service to the residential occupants. The rules and
3 regulations shall include, but are not limited to, guidelines for
4 assistance to actual users in the enforcement of this section and
5 requirements for the notice prescribed by subdivision (a), including,
6 but not limited to, clear wording, large and boldface type, and
7 comprehensive instructions to ensure full notice to the actual user.

8 (j) Nothing in this section broadens or restricts any authority of
9 a local agency that existed prior to January 1, 1989, to adopt an
10 ordinance protecting a residential occupant from the involuntary
11 termination of residential public utility service.

12 (k) This section preempts any statute or ordinance permitting
13 punitive damages against any owner, manager, or operator on
14 account of an involuntary termination of residential public utility
15 service or permitting the recovery of costs associated with the
16 formation, maintenance, and termination of a tenant's association.

17 SEC. 6. Section 12822 of the Public Utilities Code is repealed.

18 SEC. 7. Section 12822.1 of the Public Utilities Code is
19 amended to read:

20 12822.1. (a) Whenever a district furnishes residential light,
21 heat, water, or power to residential occupants in a residential
22 structure, mobilehome park, or permanent residential structures
23 in a labor camp, as defined in Section 17008 of the Health and
24 Safety Code, if the owner, manager, or operator is listed by the
25 district as the customer of record of the service, the district shall
26 do the following:

27 (1) Post a notice on the door of each residential unit at least 10
28 days prior to termination, when the account is in arrears, that
29 service will be terminated on a date specified in the notice. If it is
30 not reasonable or practicable to post the notice on the door of each
31 residential unit, the district shall post two copies of the notice in
32 each accessible common area and at each point of access to the
33 structure or structures. The notice shall further inform the
34 residential occupants that they have the right to become customers,
35 to whom the service will then be billed, of the district without
36 being required to pay the amount due on the delinquent account.
37 The notice also shall specify, in plain language, what the residential
38 occupants are required to do in order to prevent the termination or
39 reestablish service; the estimated monthly cost of service; the title,
40 address, and telephone number of a representative of the district

1 who can assist the residential occupants in continuing service; and
2 the address and telephone number of a legal services project, as
3 defined in Section 6213 of the Business and Professions Code,
4 which has been recommended by the local county bar association.
5 The notice shall be in English and in the languages listed in Section
6 1632 of the Civil Code.

7 (2) Mail a copy of the notice described in paragraph (1) to all
8 affected service addresses known to the corporation, or available
9 through reasonable and practical methods, at least 10 days prior
10 to termination. The notice shall be addressed to “Any Person
11 Renting Property At:” followed by the address of the dwelling
12 unit. The outside of the envelope shall state, in English and in the
13 languages listed in Section 1632 of the Civil Code, in at least
14 12-point type: “Utility service to this address may be cut off soon.”
15 Notice need not be mailed if the service address is the same as the
16 billing address.

17 (b) The district is not required to make service available to the
18 residential occupants unless a residential occupant or a
19 representative of the residential occupants agrees to the terms and
20 conditions of service, and meets the requirement of law and the
21 district’s rules. However, if one or more of the residential occupants
22 or the representative of the residential occupants are willing and
23 able to assume responsibility for subsequent charges to the account
24 to the satisfaction of the district, or if there is a physical means,
25 legally available to the district, of selectively terminating service
26 to those residential occupants who have not met the requirements
27 of the district’s rules or for whom the representative of the
28 residential occupants is not responsible, the district shall make
29 service available to the residential occupants who have met those
30 requirements or on whose behalf those requirements have been
31 met.

32 (c) If prior service for a period of time, or other demonstration
33 of credit worthiness is a condition for establishing credit with the
34 district, residence and proof of prompt payment of rent or other
35 credit obligation during that period of time acceptable to the district
36 is a satisfactory equivalent.

37 (d) Any residential occupant who becomes a customer of the
38 district pursuant to this section whose periodic payments, such as
39 rental payments, include charges for residential light, heat, water,
40 or power, if these charges are not separately stated, may deduct

1 from the periodic payment each payment period all reasonable
2 charges paid to the district for those services during the preceding
3 payment period.

4 (e) ~~Whenever a district furnishes residential service subject to~~
5 ~~subdivision (a), the district may not terminate that service in any~~
6 ~~of the following situations:~~

7 (1) ~~During the pendency of an investigation by the district of a~~
8 ~~customer dispute or complaint.~~

9 (2) ~~When the customer has been granted an extension of the~~
10 ~~period for payment of a bill.~~

11 (3) ~~For an indebtedness owed by the customer to any other~~
12 ~~public agency or when the obligation represented by the delinquent~~
13 ~~account or other indebtedness was incurred with any public agency~~
14 ~~other than the district.~~

15 (4) ~~When a delinquent account relates to another property~~
16 ~~owned, managed, or operated by the customer.~~

17 (5) ~~When a public health or building officer certifies that~~
18 ~~termination would result in a significant threat to the health or~~
19 ~~safety of the residential occupants or the public.~~

20 (f) ~~Notwithstanding any other provision of law, and in addition~~
21 ~~to any other remedy provided by law, if the owner, operator, or~~
22 ~~manager, by any act or omission, directs, permits, or fails to prevent~~
23 ~~a termination of service while any residential unit is occupied, the~~
24 ~~residential occupant or the representative of the residential~~
25 ~~occupants may commence an action for the recovery of all of the~~
26 ~~following:~~

27 (1) ~~Reasonable costs and expenses incurred by the residential~~
28 ~~occupant or the representative of the residential occupants related~~
29 ~~to restoration of service.~~

30 (2) ~~Actual damages related to the termination of service.~~

31 (3) ~~Reasonable attorney's fees of the residential occupants, the~~
32 ~~representative of the residential occupants, or each of them,~~
33 ~~incurred in the enforcement of this section, including, but not~~
34 ~~limited to, enforcement of a lien.~~

35 (g) ~~Notwithstanding any other provision of law, and in addition~~
36 ~~to any other remedy provided by law, if the owner, manager, or~~
37 ~~operator, by any act or omission, directs, permits, or fails to prevent~~
38 ~~a termination of service while any residential unit receiving that~~
39 ~~service is occupied, the corporation may commence an action for~~
40 ~~the recovery of all of the following:~~

1 ~~(1) Delinquent charges accruing prior to the expiration of the~~
2 ~~notice prescribed by subdivision (a).~~

3 ~~(2) Reasonable costs incurred by the corporation related to the~~
4 ~~restoration of service.~~

5 ~~(3) Reasonable attorney's fees of the corporation incurred in~~
6 ~~the enforcement of this section or in the collection of delinquent~~
7 ~~charges, including, but not limited to, enforcement of a lien.~~

8 ~~If the court finds that the owner, manager, or operator has paid~~
9 ~~the amount in arrears prior to termination, the court shall allow no~~
10 ~~recovery of any charges, costs, damages, expenses, or fees under~~
11 ~~this subdivision from the owner, manager, or operator.~~

12 ~~An abstract of any money judgment entered pursuant to~~
13 ~~subdivision (f) or (g) shall be recorded pursuant to Section 697.310~~
14 ~~of the Code of Civil Procedure.~~

15 ~~(h) No termination of service subject to this section may be~~
16 ~~effected without compliance with this section, and any service~~
17 ~~wrongfully terminated shall be restored without charge to the~~
18 ~~residential occupants or customer for the restoration of the service.~~
19 ~~In the event of a wrongful termination by the district, the district~~
20 ~~shall, in addition, be liable to the residential occupants or customer~~
21 ~~for actual damages resulting from the termination and for the costs~~
22 ~~of enforcement of this section, including, but not limited to,~~
23 ~~reasonable attorney's fees, if the residential occupants or the~~
24 ~~representative of the residential occupants make a good faith effort~~
25 ~~to have the service continued without interruption.~~

26 ~~(i) The district shall adopt rules and regulations necessary to~~
27 ~~implement this section and shall liberally construe this section to~~
28 ~~accomplish its purpose of ensuring that service to the residential~~
29 ~~occupants is not terminated due to nonpayment by the customer~~
30 ~~unless the district has made every reasonable effort to continue~~
31 ~~service to the residential occupants. The rules and regulations shall~~
32 ~~include, but are not limited to, guidelines for assistance to actual~~
33 ~~users in the enforcement of this section and requirements for the~~
34 ~~notice prescribed by subdivision (a), including, but not limited to,~~
35 ~~clear wording, large and boldface type, and comprehensive~~
36 ~~instructions to ensure full notice to the actual user.~~

37 ~~(j) Nothing in this section broadens or restricts any authority of~~
38 ~~a local agency that existed prior to January 1, 1989, to adopt an~~
39 ~~ordinance protecting a residential occupant from the involuntary~~
40 ~~termination of residential public utility service.~~

1 ~~(k) This section preempts any statute or ordinance permitting~~
2 ~~punitive damages against any owner, manager, or operator on~~
3 ~~account of an involuntary termination of residential public utility~~
4 ~~service or permitting the recovery of costs associated with the~~
5 ~~formation, maintenance, and termination of a tenant's association.~~

6 ~~SEC. 8. Section 16481 of the Public Utilities Code is repealed.~~

7 ~~SEC. 9. Section 16481.1 of the Public Utilities Code is~~
8 ~~amended to read:~~

9 ~~16481.1. (a) Whenever a district furnishes residential light,~~
10 ~~heat, water, or power to residential occupants in a residential~~
11 ~~structure, mobilehome park, or permanent residential structures~~
12 ~~in a labor camp, as defined in Section 17008 of the Health and~~
13 ~~Safety Code, if the owner, manager, or operator is listed by the~~
14 ~~district as the customer of record, the district shall do the following:~~

15 ~~(1) Post a notice on the door of each residential unit at least 10~~
16 ~~days prior to termination, when the account is in arrears, that~~
17 ~~service will be terminated on a date specified in the notice. If it is~~
18 ~~not reasonable or practicable to post the notice on the door of each~~
19 ~~residential unit, the district shall post two copies of the notice in~~
20 ~~each common area and at each point of access to the structure or~~
21 ~~structures. The notice shall further inform the residential occupants~~
22 ~~that they have the right to become customers, to whom the service~~
23 ~~will be billed, of the district without being required to pay the~~
24 ~~amount due on the delinquent account. The notice also shall~~
25 ~~specify, in plain language, what the residential occupants are~~
26 ~~required to do in order to prevent the termination or reestablish~~
27 ~~service; the estimated monthly cost of service; the title, address,~~
28 ~~and telephone number of a representative of the district who can~~
29 ~~assist the residential occupants in continuing service; and the~~
30 ~~address and telephone number of a legal services project, as defined~~
31 ~~in Section 6213 of the Business and Professions Code, which has~~
32 ~~been recommended by the local county bar association. The notice~~
33 ~~shall be in English and in the languages listed in Section 1632 of~~
34 ~~the Civil Code.~~

35 ~~(2) Mail a copy of the notice described in paragraph (1) to all~~
36 ~~affected service addresses known to the corporation, or available~~
37 ~~through reasonable and practical methods, at least 10 days prior~~
38 ~~to termination. The notice shall be addressed to "Any Person~~
39 ~~Renting Property At:" followed by the address of the dwelling~~
40 ~~unit. The outside of the envelope shall state, in English and in the~~

languages listed in Section 1632 of the Civil Code, in at least 12-point type: "Utility service to this address may be cut off soon." Notice need not be mailed if the service address is the same as the billing address.

(b) The district is not required to make service available to the residential occupants unless a residential occupant or a representative of the residential occupants agrees to the terms and conditions of service, and meets the requirements of law and the district's rules. However, if one or more of the residential occupants or the representative of the residential occupants are willing and able to assume responsibility for subsequent charges to the account to the satisfaction of the district, or if there is a physical means, legally available to the district, of selectively terminating service to those residential occupants who have not met the requirements of the district's rules or for whom the representative of the residential occupants is not responsible, the district shall make service available to the residential occupants who have met those requirements or on whose behalf those requirements have been met.

(c) If prior service for a period of time or other demonstration of credit worthiness is a condition for establishing credit with the district, residence and proof of prompt payment of rent or other credit obligation during that period of time acceptable to the district is a satisfactory equivalent.

(d) Any residential occupant who becomes a customer of the district pursuant to this section whose periodic payments, such as rental payments, include charges for residential light, heat, water, or power, if these charges are not separately stated, may deduct from the periodic payment each payment period all reasonable charges paid to the district for those services during the preceding payment period.

(e) Whenever a district furnishes residential service subject to subdivision (a), the district may not terminate that service in any of the following situations:

(1) During the pendency of an investigation by the district of a customer dispute or complaint.

(2) When the customer has been granted an extension of the period for payment of a bill.

(3) For an indebtedness owed by the customer to any other public agency or when the obligation represented by the delinquent

1 account or other indebtedness was incurred with any public agency
2 other than the district.

3 ~~(4) When a delinquent account relates to another property~~
4 ~~owned, managed, or operated by the customer.~~

5 ~~(5) When a public health or building officer certifies that~~
6 ~~termination would result in a significant threat to the health or~~
7 ~~safety of the residential occupants or the public.~~

8 ~~(f) Notwithstanding any other provision of law, and in addition~~
9 ~~to any other remedy provided by law, if the owner, operator, or~~
10 ~~manager, by any act or omission, directs, permits, or fails to prevent~~
11 ~~a termination of service while any residential unit is occupied, the~~
12 ~~residential occupant or the representative of the residential~~
13 ~~occupants may commence an action for the recovery of all of the~~
14 ~~following:~~

15 ~~(1) Reasonable costs and expenses incurred by the residential~~
16 ~~occupant or the representative of the residential occupants related~~
17 ~~to restoration of service.~~

18 ~~(2) Actual damages related to the termination of service.~~

19 ~~(3) Reasonable attorney's fees of the residential occupants, the~~
20 ~~representative of the residential occupants, or each of them,~~
21 ~~incurred in the enforcement of this section, including, but not~~
22 ~~limited to, enforcement of a lien.~~

23 ~~(g) Notwithstanding any other provision of law, and in addition~~
24 ~~to any other remedy provided by law, if the owner, manager, or~~
25 ~~operator, by any act or omission, directs, permits, or fails to prevent~~
26 ~~a termination of service while any residential unit receiving that~~
27 ~~service is occupied, the corporation may commence an action for~~
28 ~~the recovery of all of the following:~~

29 ~~(1) Delinquent charges accruing prior to the expiration of the~~
30 ~~notice prescribed by subdivision (a).~~

31 ~~(2) Reasonable costs incurred by the corporation related to the~~
32 ~~restoration of service.~~

33 ~~(3) Reasonable attorney's fees of the corporation incurred in~~
34 ~~the enforcement of this section or in the collection of delinquent~~
35 ~~charges, including, but not limited to, enforcement of a lien.~~

36 ~~If the court finds that the owner, manager, or operator has paid~~
37 ~~the amount in arrears prior to termination, the court shall allow no~~
38 ~~recovery of any charges, costs, damages, expenses, or fees under~~
39 ~~this subdivision from the owner, manager, or operator.~~

1 ~~An abstract of any money judgment entered pursuant to~~
2 ~~subdivision (f) or (g) shall be recorded pursuant to Section 697.310~~
3 ~~of the Code of Civil Procedure.~~

4 ~~(h) No termination of service subject to this section may be~~
5 ~~effected without compliance with this section, and any service~~
6 ~~wrongfully terminated shall be restored without charge to the~~
7 ~~residential occupants or customer for the restoration of the service.~~
8 ~~In the event of a wrongful termination by the district, the district~~
9 ~~shall, in addition, be liable to the residential occupants or customer~~
10 ~~for actual damages resulting from the termination and for the costs~~
11 ~~of enforcement of this section, including, but not limited to,~~
12 ~~reasonable attorney's fees, if the residential occupants or the~~
13 ~~representative of the residential occupants make a good faith effort~~
14 ~~to have the service continued without interruption.~~

15 ~~(i) The district shall adopt rules and regulations necessary to~~
16 ~~implement this section and shall liberally construe this section to~~
17 ~~accomplish its purpose of ensuring that service to the residential~~
18 ~~occupants is not terminated due to nonpayment by the customer~~
19 ~~unless the district has made every reasonable effort to continue~~
20 ~~service to the residential occupants. The rules and regulations shall~~
21 ~~include, but are not limited to, guidelines for assistance to actual~~
22 ~~users in the enforcement of this section and requirements for the~~
23 ~~notice prescribed by subdivision (a), including, but not limited to,~~
24 ~~clear wording, large and boldface type, and comprehensive~~
25 ~~instructions to ensure full notice to the actual users.~~

26 ~~(j) Nothing in this section broadens or restricts any authority of~~
27 ~~a local agency that existed prior to January 1, 1989, to adopt an~~
28 ~~ordinance protecting a residential occupant from the involuntary~~
29 ~~termination of residential public utility service.~~

30 ~~(k) This section preempts any statute or ordinance permitting~~
31 ~~punitive damages against any owner, manager, or operator on~~
32 ~~account of an involuntary termination of public utility service or~~
33 ~~permitting the recovery of costs associated with the formation,~~
34 ~~maintenance, and termination of a tenant's association.~~

35 ~~SEC. 10. No reimbursement is required by this act pursuant to~~
36 ~~Section 6 of Article XIII B of the California Constitution because~~
37 ~~the only costs that may be incurred by a local agency or school~~
38 ~~district will be incurred because this act creates a new crime or~~
39 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
40 ~~for a crime or infraction, within the meaning of Section 17556 of~~

1 ~~the Government Code, or changes the definition of a crime within~~
2 ~~the meaning of Section 6 of Article XIII B of the California~~
3 ~~Constitution.~~

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